

Appl. No. : 10/017,915
Filed : December 11, 2001

REMARKS

In response to the Final Office Action mailed August 27, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-26 and 47-69 remain pending. Claims 27-46 have been cancelled without prejudice or disclaimer, and new Claims 47-69 have been added. Claims 1, 6, 7, 16 and 22 have been amended.

In the Final Office Action, the Examiner rejected Claims 1-15, 20, 21 and 23-46 under 35 U.S.C. § 102(e) as being anticipated by Skottun, USP 6,464,725 (hereinafter "Skottun"), and rejected Claims 27, 28, 31 and 32 under 35 U.S.C. § 102(e) as being anticipated by each of Glick et al., US 2003/0060881 (hereinafter "Glick"), and Sarfarazi, USP 6,423,094 (hereinafter, "Sarfarazi"). The Examiner objected to claims 16-19 and 22 as being dependent from a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form. Claims 27-32 were objected to as indefinite under 35 U.S.C. § 112, second paragraph.

Personal Interview

The undersigned Attorney for Applicant thanks Examiner William Matthews for the courteous and helpful personal interview of November 18, 2003.

Rejections Over Prior Art

Independent claims 1, 6, 7, 27, 33, 39 and 43 stand rejected over the prior art of record. Applicant has amended Claim 1 in the manner suggested by Examiner Matthews at the personal interview of November 18, to recite, inter alia, "anterior and posterior biasing elements being springlike and biasing said viewing elements apart." Therefore, Applicant respectfully submits that Claim 1 is in condition for allowance over the prior art.

Applicant further submits that Claims 2-15 and 23-26, dependent from Claim 1, are also in condition for allowance, due to their recitation of further novel and unobvious combinations of features, as well as their dependence from an allowable base claim.

Applicant has cancelled, without prejudice or disclaimer, the balance of the claims rejected by the Examiner over the prior art, only to expedite prosecution of the present application. Applicant does not concede the propriety of the Examiner's rejection of these

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claims, and Applicant intends to pursue at least some of these claims in one or more continuations of the present application.

Rejections for Indefiniteness

As mentioned above, Applicant has cancelled Claims 27-46, thereby mooted the Examiner's rejection of Claims 27-32 for indefiniteness.

Allowable Claims

The Examiner indicated that Claims 16-19 and 22 would be allowable if rewritten in independent form. Applicant has so rewritten Claim 16 and 22; accordingly, all of Claims 16-19 and 22 are believed to be in condition for allowance.

New Claims

Applicant has added new Claims 47-69. The new claims include independent Claim 47, which was drafted to include features discussed at the interview of November 18. Applicant respectfully submits that new Claims 47-69 are in condition for allowance over the prior art.

Supplemental IDS

Submitted herewith is a Supplemental Information Disclosure Statement citing two references discussed (Israel, US 6,524,430; Israel, WO 99/03427) at the personal interview of November 18, as well as an additional co-pending application. Applicant respectfully requests the Examiner to consider the references cited in the Supplemental IDS.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Final Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite

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prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 15, 2003

By: Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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